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JFW

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/722,362	11/26/2003	Christian Boettcher	15540-017001

26171
 FISH & RICHARDSON P.C.
 1425 K STREET, N.W.
 11TH FLOOR
 WASHINGTON, DC 20005-3500



CONFIRMATION NO. 4747
FORMALITIES LETTER



OC000000013071130

Date Mailed: 06/28/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been omitted from the application:

- Figure(s) 3-5 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$900 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

John Ware
Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Christian Boettcher Art Unit : Unknown
Serial No. : 10/722,362 Examiner : Unknown
Filed : November 26, 2003
Title : PRESSURE SENSITIVE DEFORMABLE MIRROR

MAIL STOP MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
and
RESPONSE TO NOTICE OF OMITTED ITEMS

In response to the Notice to File Missing Parts of Application under 37 CFR §1.53(b) mailed June 28, 2004 (copy enclosed), applicant as a large entity submits herewith the following:

- Payment of the basic filing fee of \$770;
- Payment of the surcharge of \$130 for late filing of the basic filing fee and/or declaration;
- Payment of the Petition fee (see below) of \$130;
- A check in the total amount of \$1030 is attached;
- A Petition Regarding Notice Of Omitted Items;
- A Declaration by the Inventor (2 pages) in compliance with 37 CFR §1.63;
- A Power of Attorney by Assignee (2 pages);
- An Assignment (2 pages) with recordation cover sheet (1 page) and a separate check for \$40;
- An Information Disclosure Statement (1 page) with Form PTO-1449 (1 page) and copies of an EPO Search Report and 5 references; and
- A certified copy of the European patent application.

PETITION REGARDING NOTICE OF OMITTED ITEMS

The Notice to File Missing Parts indicated that Figs. 3-5 appear to have been omitted from this application. However, Applicant submits that Figs. 3-5 were in fact filed in the United States Patent and Trademark Office, as evidenced by the attached postcard stamped "OIPE

Applicant : Christian Boettcher
Serial No. : 10/722,362
Filed : November 26, 2003
Page : 2 of 2

Attorney's Docket No.: 15540-017001 / 18.00246; DS07961

JC174 UNITED STATES PATENT AND TRADEMARK OFFICE NOV 26 2003" which shows that 2 sheets of drawings were filed in this case, the first containing Figs. 1-2 and the second containing Figs. 3-5. A copy of the drawing sheet containing Figs. 3-5 is attached.

Applicants respectfully request acknowledgement that the second drawing sheet, containing Figs. 3-5, was in fact filed with the application on November 26, 2003. Applicants submit herewith the fee of \$130 for this petition (37 C.F.R. § 1.17(h)), but, as the second drawing sheet, containing Figs. 3-5, was filed with the original application, it is respectfully requested that the petition fee be credited to Deposit Account No. 06-1050, referencing Attorney Docket No. 15540-017001.

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 15540-017001.

Respectfully submitted,

Date: 7/20/04



Mark R.W. Bellermann
Reg. No. 47,419

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

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SXW

Attorney's Docket No. 15540-017001	Express Mail Label No.	Mailing Date November 26, 2003	For PTO Use Only Do Not Mark in This Area
Application No. New Application	Filing Date November 26, 2003	Attorney/Secretary Init JPF/MWB/sxw	
Title of the Invention PRESSURE SENSITIVE DEFORMABLE MIRROR			
Applicant Christian Boettcher			
Enclosures <ul style="list-style-type: none">❖ Transmittal Letter (2 pages)❖ Patent Application (Cover sheet + 6 pages of specification, 2 pages of claims, 17 total claims, 1 page of abstract)❖ Drawings (formal, 2 sheets)❖ Serial Number Card (green)			

